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CHIRON CORPORATION INTELLECTUAL PROPERTY -R440  
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**SEP 19 2002**

**OFFICE OF PETITIONS**

In re Application of	:	
Williams, et al.	:	
Application No. 09/803,719	:	DECISION NOTING JOINDER
Filed: March 9, 2001	:	OF INVENTOR AND PETITION
Attorney Docket No. 2300-1624	:	UNDER 37 CFR 1.47(a) MOOT

This is in response to the "Reply to Decision Refusing Status Under 37 CFR 1.47(a)", filed August 20, 2002.

The above-identified application was filed on March 9, 2001, without the necessary filing fees or an executed oath or declaration. Accordingly, on April 26, 2001, the Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application. This Notice set a two month period for reply.

In reply, applicant filed the petition under 37 CFR 1.47(a) on January 11, 2002 and paid the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a five month extension of time and included a Certificate of Mailing dated November 26, 2001. In addition to paying the filing fees, applicant included a declaration signed by inventors Lewis T. Williams, Jaime Escobedo, Pablo Dominquez Garcia, Julie Sudduth-Klinger, Christoph Reinhard, Filippo Randazzo, Giulia C. Kennedy, David Pot, Altaf Kassam, George Lamson, Radoje Drmanac, Mark Dickson, Ivan Labat, Lee William Jones, and Birgit Stache-Crain, but lacking a signature from inventor Michael A. Innis. Accompanying the petition were, *inter alia*: (1) a statement of facts by Nancy L. Swanson, describing how the application papers were transmitted to Innis; (2) a copy of a cover letter transmitting the application papers via Federal Express; and (3) a copy of an e-mail from Innis, in which he stated he would not sign the declaration until he was paid a consulting fee of \$2,500 per day.

The petition was dismissed in a decision mailed on May 14, 2002. Petitioner did not submit a declaration in compliance with 37 CFR 1.63 because the mailing address for Innis listed on the declaration was not an address at which Innis customarily received mail.

On renewed petition, petitioner has submitted a declaration executed by Innis. The declaration has been found to be in compliance with 37 CFR 1.63.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to the Office of Initial Patent Examination for continuation of pre-examination processing.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
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Office of the Deputy Commissioner  
for Patent Examination Policy

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